

March 2017 UK Immigration Update

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Changes to the immigration rules fulfill the Migration Advisory Committee's previous recommendations.

On March 16, the UK government announced changes to the UK's immigration rules, implementing the final phase of changes previously recommended by the Migration Advisory Committee in March 2016. The majority of these changes will take effect on April 6, 2017.

Overseas Criminal Record Certificates

The UK Home Office is extending the requirement to provide criminal record certificates for certain occupations to Tier 2 (General) applicants and their adult dependent partners. The requirement will not apply to those applying under the Tier 2 (Intra-company Transfer (ICT)) route.

Individuals applying from overseas on or after April 6, 2017 where the main applicant is coming to work in the education, health, or social care sector will be required to obtain certificates.

Certificates will also be required for applicants sponsored in certain Standard Occupation Classification Codes, with the intent to strengthen safeguards against applicants with criminal histories trying to enter the United Kingdom. (Download the [full list](#) of the relevant Standard Occupation Classification Codes that will be affected.)

Immigration Skills Charge

As previously announced in March 2016, an Immigration Skills Charge of £1000 per skilled worker per year is being introduced for employers in the Tier 2 (General) and Tier 2 (ICT) routes. The charge is £364 for small and charitable sponsors.

There are exemptions for Ph.D.-level occupations, ICT graduate trainees, and those persons switching from Tier 4 to Tier 2 in the UK. Income raised from the charge will be used to address skills gaps in the workforce.

Immigration Health Surcharge

The Immigration Health Surcharge was introduced in 2015, and is payable by non-European Economic Area (EEA) nationals who apply to come to the UK to work, study, or join family for a period of more than six months. Non-EEA nationals who are already in the UK and apply to extend their stay must also pay this surcharge.

From April 6, 2017, those persons applying for Tier 2 (ICT) and their dependents will be required to pay a surcharge of £200 per person per year.

Changes to Tier 2 Applications

This category allows UK companies to sponsor non-EEA nationals to work in skilled roles in the UK. The government has been raising the requirements for sponsorship of such workers for some time, and these new changes will continue in that vein. The main changes include the following:

- The minimum salary threshold for Tier 2 (General) experienced workers will increase from £25,000 to £30,000 (the salary for “new entrants” has been held at £20,800).
- A temporary exemption to the Tier 2 (General) minimum salary threshold will apply for nurses, medical radiographers, paramedics, and secondary school teachers in mathematics, physics, chemistry, computer science, and Mandarin until July 2019.
- Changes are being made to the Shortage Occupation List (wherein sponsors are exempt from carrying out Resident Labour Market Tests). Secondary school teachers in combined science, computer science, and Mandarin are being added to the Shortage Occupation List. Secondary school teachers in chemistry are being removed from the list.
- Annual updates are being made to the appropriate salary rates in the Standard Occupation Classification Codes using the latest available salary data for each occupation.
- The minimum salary threshold for Tier 2 (General) high earners (whose sponsors are exempt from carrying out Resident Labour Market Tests and from the requirement to assign restricted Certificates of Sponsorship under the Tier 2 (General) limit) is being increased from £155,300 to £159,600.
- The minimum salary threshold for indefinite leave to remain applications submitted on or after April 6, 2022 will increase to £37,900.
- Minor technical changes are being made to the Resident Labour Market Test, including widening the range of websites that can be used for graduate recruitment from a specified list of four websites to any freely available, prominent, graduate recruitment website.
- The Tier 2 (ICT) Short-Term Staff category will be closed to new applicants, meaning that all ICT workers, except graduate trainees, must qualify under a single route with a salary threshold of £41,500.
- The salary threshold for senior transferees who are able to extend their stay in the UK to up to nine years is being reduced from £155,300 to £120,000.
- The requirement for transferees to have at least one year’s experience working for the sponsor’s linked entity overseas is being removed for applicants who are paid £73,900 or more.

If an applicant has made an application for entry clearance or leave to remain using a Certificate of Sponsorship that was assigned to the applicant by his or her sponsor before April 6, 2017, the application will be decided in accordance with the rules in force on April 5, 2017.

Relocation of High-value Business to the UK

Changes are being made to support posts associated with the relocation of a high-value business to the UK or a significant new inward investment project.

Where a sponsor is a newly registered (within the last three years) branch or subsidiary of an overseas business and the investment involves new capital expenditure of £27 million or the creation of at least 21 new UK jobs, a waiver for the Resident Labour Market Test will be introduced.

Posts that support the relocation of a high-value business to the UK or a significant new inward investment project will also be exempt from the Tier 2 (General) limit.

Other Notable Changes

Sponsors of creative workers in the Tier 5 Creative and Sporting subcategory must comply with a recruitment code of practice or otherwise take into account the needs of the resident labor market. This requirement will be waived for creative sector jobs that appear on the Shortage Occupation List.

With regard to the codes of practice for creative workers, sponsors will not need to carry out a recruitment search where a performer is required for continuity or is engaged by a unit company for productions outside the UK, rather than outside the EEA, which is the current standard. This ensures that non-EEA nationals who have performed in productions elsewhere in the EEA are not disadvantaged.

The visitor rules are also amended to make clear that applications for visitor visas can be made at any post in the world that is designated by the UK home secretary to accept such applications.

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